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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,725

07/17/2006

Heiko Gerber

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EXAMINER

TRAN, QUOC DUC

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

02/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,725	<b>Applicant(s)</b> GERBER, HEIKO	
	<b>Examiner</b> Quoc D. Tran	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO on 1/16/2004. It is noted, however, that applicant has not filed a certified copy of the 04090015.1 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Player et al (6,542,590) in view of Brown et al (7,155,412).

Consider claim 14, Player et al teach a method of billing in a telecommunication network using at least two billing accounts which can be addressed by a selection message from a communication terminal (col. 1 lines 6-10), said method comprising: starting transmission to or from the communication terminal of a communication subscriber (col. 2 lines 39-40); sending a selection request message from a network element in the telecommunication network to the communication terminal after said starting of the transmission (col. 2 lines 40-42); receiving the selection message from the communication terminal at the network element in the telecommunication network in response to said sending, the selection message containing an identifier for a billing account which is to be used for billing for the transmission (col. 2 lines 43-

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47); and using the billing account to bill for the transmission based on the selection message received by the network element (col. 2 lines 53-56).

Player et al did not suggest where transmission (communications or calls) being “data transmission”. However, Brown et al teach a billing method for billing a user for use of a telephone device for communication of both voice and data (col. 5 lines 36-45; col. 6 lines 31-34). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the multiple accounts telephone billing method of Player et al into other communications billing system in order provide multiple accounts billing for various types of communications such as data and/or wireless communications.

Consider claim 15, the combination reference teach wherein the selection request message is sent to the communication terminal before the data transmission is terminated (col. 2 lines 3-8 of Player et al).

Consider claim 16, the combination teach the method further comprising: recognizing said starting of the data transmission at a switching node in the telecommunication network; informing, by the switching node, a service control point in the telecommunication network about said starting of the data transmission; and prompting by the service control point said sending of the selection request message to the communication terminal (col. 7 lines 24-64 of Brown et al and col. 2 lines 15-19).

4. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Player et al (6,542,590) in view of Brown et al (7,155,412) and further in view of Jain et al (6,282,274).

Consider claim 17, Player and Brown et al did not suggest wherein said sending of the selection request message to the communication terminal occurs after the data transmission is

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terminated. However, Jain et al suggested such (col. 8 lines 22-48). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Jain et al into view of Player and Brown et al in order to provide billing arrangement at any point of the communications.

Consider claim 18, Jain et al teach the method further comprising: recognizing an end of the data transmission at a switching node in the telecommunication network; informing, by the switching node, a service control point in the telecommunication network about the end of the data transmission; and prompting by the service control point said sending of the selection request message to the communication terminal (col. 8 lines 22-48).

Consider claim 19, Player et al teach wherein said prompting of the selection request message includes sending a send request message to the switching center in the telecommunication network (col. 2 lines 16-19).

Consider claim 20, Brown et al teach wherein the selection request and selection messages are Unstructured Supplementary Service Data messages (col. 6 lines 29-34).

Consider claim 21, Player et al teach wherein said prompting of the selection request message includes sending a send request message to a voice output unit in the telecommunication network (col. 2 lines 16-19).

Consider claim 22, Player et al teach wherein the selection request message is sent as a voice message before the selection message is received (col. 2 lines 16-19).

Consider claim 23, Brown et al teach wherein said prompting of the selection request message includes sending a send request message to a short message service center in the telecommunication network (col. 6 lines 29-34).

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Consider claim 24, Brown et al teach wherein the selection request and selection messages are in a short message format (col. 6 lines 29-34).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:

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Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc D Tran/

Primary Examiner, Art Unit 2614

February 14, 2009